

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 15, 2006

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Planner

Patricia Patula, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
X	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
X	Other: Certificate of Approval

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:**HISTORIC DISTRICT COMMISSION****Approval of Certificate of Approval:**

HAWP- 98 (Retroactive) Applicant: Elizabeth Dolan
106 Meem Avenue, Tree Removal

SUPPORTING BACKGROUND:

At their meeting of May 4, 2006, the HPAC held a public hearing on this retroactive request for the removal of four trees at 106 Meem Avenue. This property is a contributing resource to the Chestnut/Meem Historic District.

The applicant removed four trees from her property due to home insurance purposes and the possibility the trees could potentially damage the house. The applicant plans to replant several trees along her rear property line.

Elizabeth Johnson, 104 Chestnut Street, stated she believed the applicant was not aware a historic area work permit was needed to remove trees on her property.

There was no additional testimony in favor of or in opposition to the application.

The motion was made for approval, finding the request to be in compliance with Secretary of Interior Standard Number One, which states a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site. The removal of the trees is a minimal change to the site and its environment.

The committee vote was 4-1 in favor of approval (HPAC Member Bernstein voted in opposition, stating she disagreed that the applicant should not be required to replant new trees).

Staff and HPAC recommend the HDC make the following motion:

Grant approval of HAWP-98 (Retroactive) and issue the Certificate of Approval, finding, based on the record before HPAC and for the reasons articulated by HPAC, that the application meets the Secretary of Interior Standard Number One.

DESIRED OUTCOME:

Approval (see recommended motion).



DRAFT

CERTIFICATE OF APPROVAL

**Historic Area Work Permit 98 (Retroactive)
106 Meem Avenue
Applicant: Elizabeth Dolan**

The City of Gaithersburg Historic District Commission hereby grants approval to Historic Area Work Permit 98, finding the request for tree removal in compliance with Secretary of Interior Standard Number One, which states a property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site. The removal of the trees is a minimal change to the site and its environment.

The applicant has removed four trees from the property, which were threatening to the house. This is a contributing resource to the Chestnut/Meem Historic District.

Deviation from the plan approved on this date shall not be permitted without submission of an amended plan which is subject to the approval of the City of Gaithersburg Historic District Commission. Any such non-compliance shall serve automatically to revoke this historic area work permit approval.

Work on an approved project should commence within six months of approval and be completed within one year of the date of the issuance of this Certificate, or within other specified time frames, or the Certificate expires.

The Certificate does not constitute the right to commence construction or relieve the applicant of City Code requirements, or those of other governmental jurisdictions. The applicant should contact the Department of Planning and Code Administration in City Hall for further information and assistance regarding the City's permit procedures.

City of Gaithersburg Historic District Commission

Date of Approval: May 15, 2006

Sidney A. Katz, Chairman

HPAC Public Hearing – May 4, 2006
HDC Review – May 15, 2006

**INDEX OF MEMORANDA
HAWP-98
(Retroactive)**

**Applicant: Elizabeth Dolan
106 Meem Avenue
Tree Removal (4)**

Number	Exhibit
1.	Application
2.	Pictures of the trees, provided by the applicant
3.	House location plat showing trees removed
4.	Tree Inventory Data for 106 Meem Avenue
5.	E-mail, submitted by applicant, dated November 14, 2005
6.	Notice to include legal ad for public hearing in the April 26, 2006, <i>Gaithersburg Gazette</i>
7.	Public hearing notice, sent out April 24, 2006, to the required parties
8.	By Reference: Chestnut/Meem Historic District Guidelines
9.	By Reference: Annotated Code of Maryland, Article 66B, Historic Resources
10.	By Reference: Secretary of Interior Standards for Rehabilitation
11.	By Reference: HD-22 Designation Documents
12.	By Reference: Qualifications of HPAC, HDC, and staff
13.	By Reference: Historic Preservation Ordinance

HISTORIC AREA WORK PERMIT APPLICATION

In accordance with Chapter 24, Article XII of the City Code.

Application Number	<u>HAWP-98</u>
Date Filed	<u>3.8.06</u>
Application Completed	<u>4.18.06</u>
HPAC Hearing/Review	<u>5.4.06</u>
HDC Hearing/Review	<u>5.15.06</u>
Decision	_____
Date of Decision	_____

SUBJECT PROPERTY (ADDRESS) 106 Meem AveLOT 21 BLOCK _____ SUBDIVISION _____TAX ACCOUNT NUMBER 9211-00840758

APPLICANT/OWNER/AUTHORIZED AGENT

NAME Elizabeth Dolan TELEPHONE 301 648 7172ADDRESS 106 Meem Ave

OWNER OF RECORD (IF NOT APPLICANT)

NAME _____ TELEPHONE _____

ADDRESS _____

TYPE OF WORK (CHECK APPROPRIATE)

- | | | | |
|---|--|--------------------------------------|---|
| <input checked="" type="checkbox"/> Visible from public way | <input type="checkbox"/> Not visible from public way | | |
| <input type="checkbox"/> Fence | <input type="checkbox"/> Windows | <input type="checkbox"/> Additions | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Signage | <input type="checkbox"/> Siding | <input type="checkbox"/> Relocation | <input type="checkbox"/> In-kind Replacement |
| <input type="checkbox"/> Parking | <input type="checkbox"/> Roofing | <input type="checkbox"/> Restoration | <input type="checkbox"/> Utilities (meters, cables, etc.) |
| <input checked="" type="checkbox"/> Landscape | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Demolition | <input type="checkbox"/> Miscellaneous |

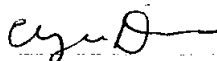
DESCRIPTION OF PROPOSED WORK

Remove trees 1. overhanging rear porch roof
2. + 3. too close to foundation
4. damaging another tree

SUBMISSION REQUIREMENTS (SEE OTHER SIDE)

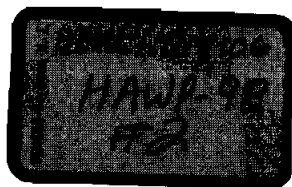
I hereby have read, understand, and agree to the material presented on both sides of this form, and the attached Historic Area Work Permit Information.

Signature

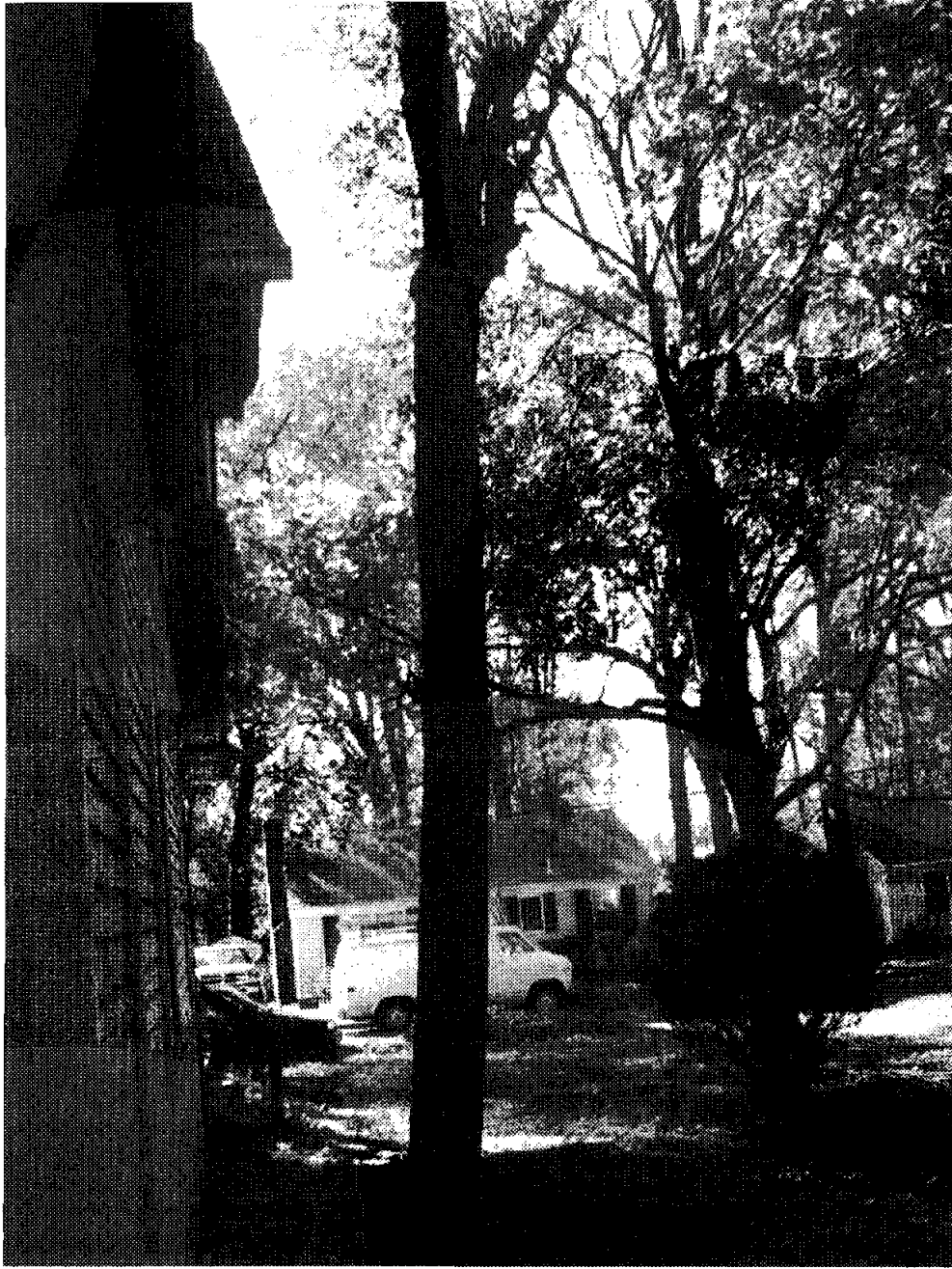


Date

3/8/06

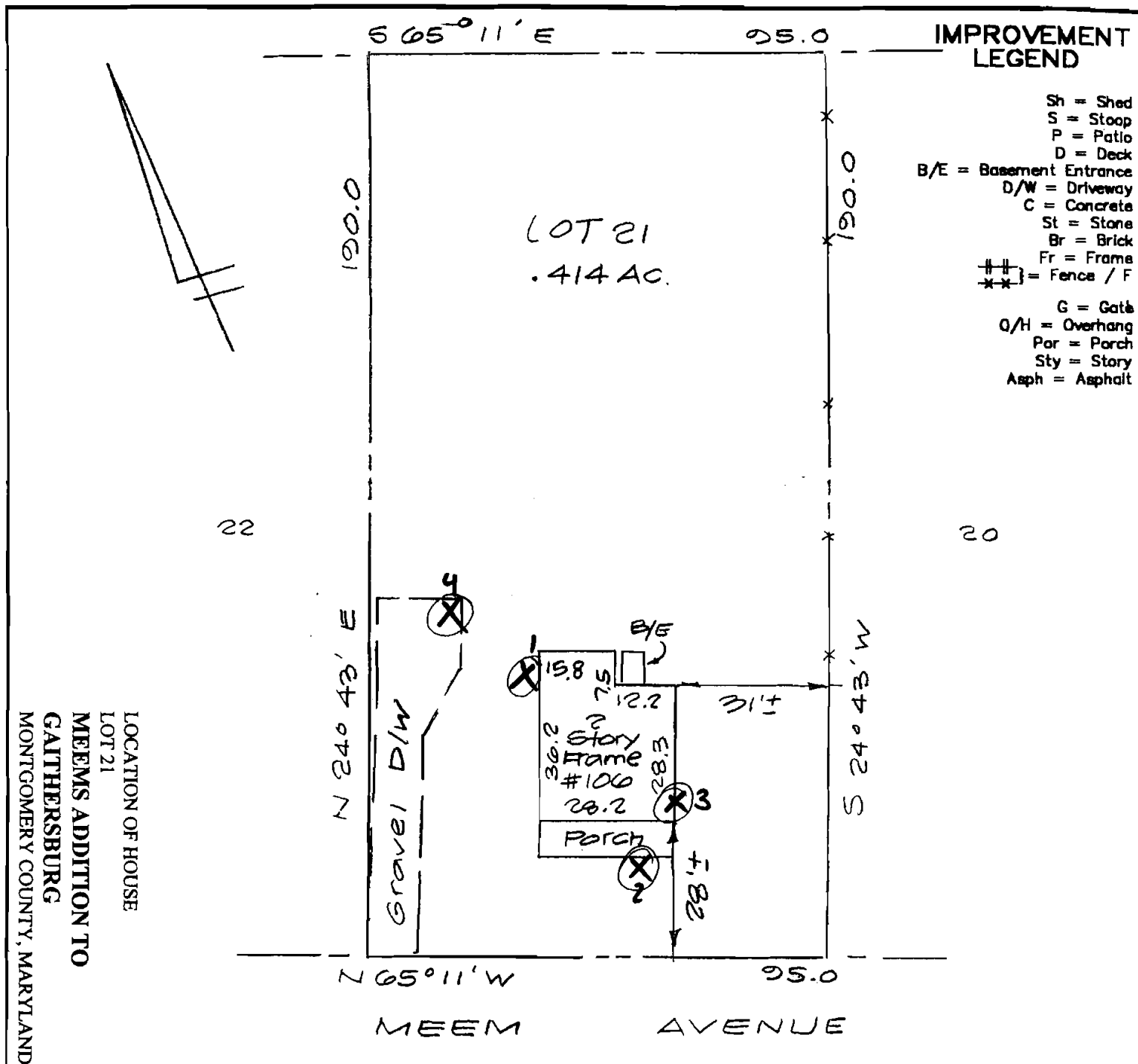






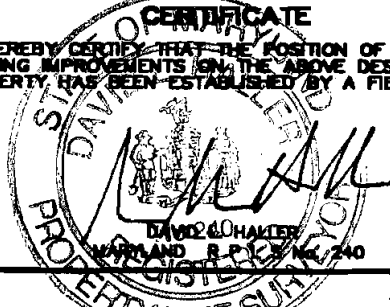

NOTE : THIS LOCATION IS VALID FOR 180 DAYS FROM THE DATE ON THE PLAN.

NOTE: This location for title purposes only -- not to be used for determining property lines. Property corner Markers Not guaranteed by this location

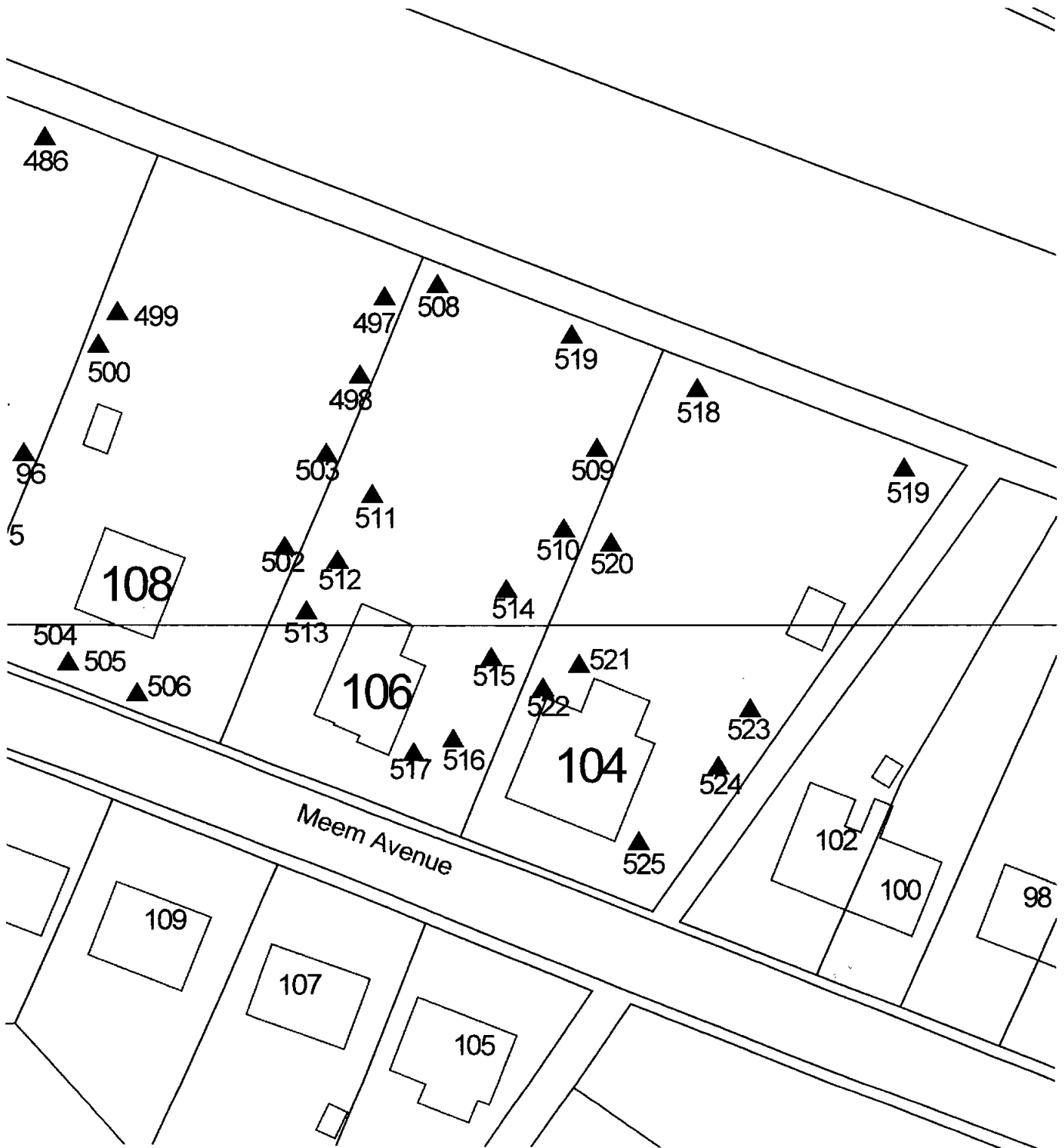


Note: NoPropertyCornersFound

FLOOD ZONE C PER FEMA MAP

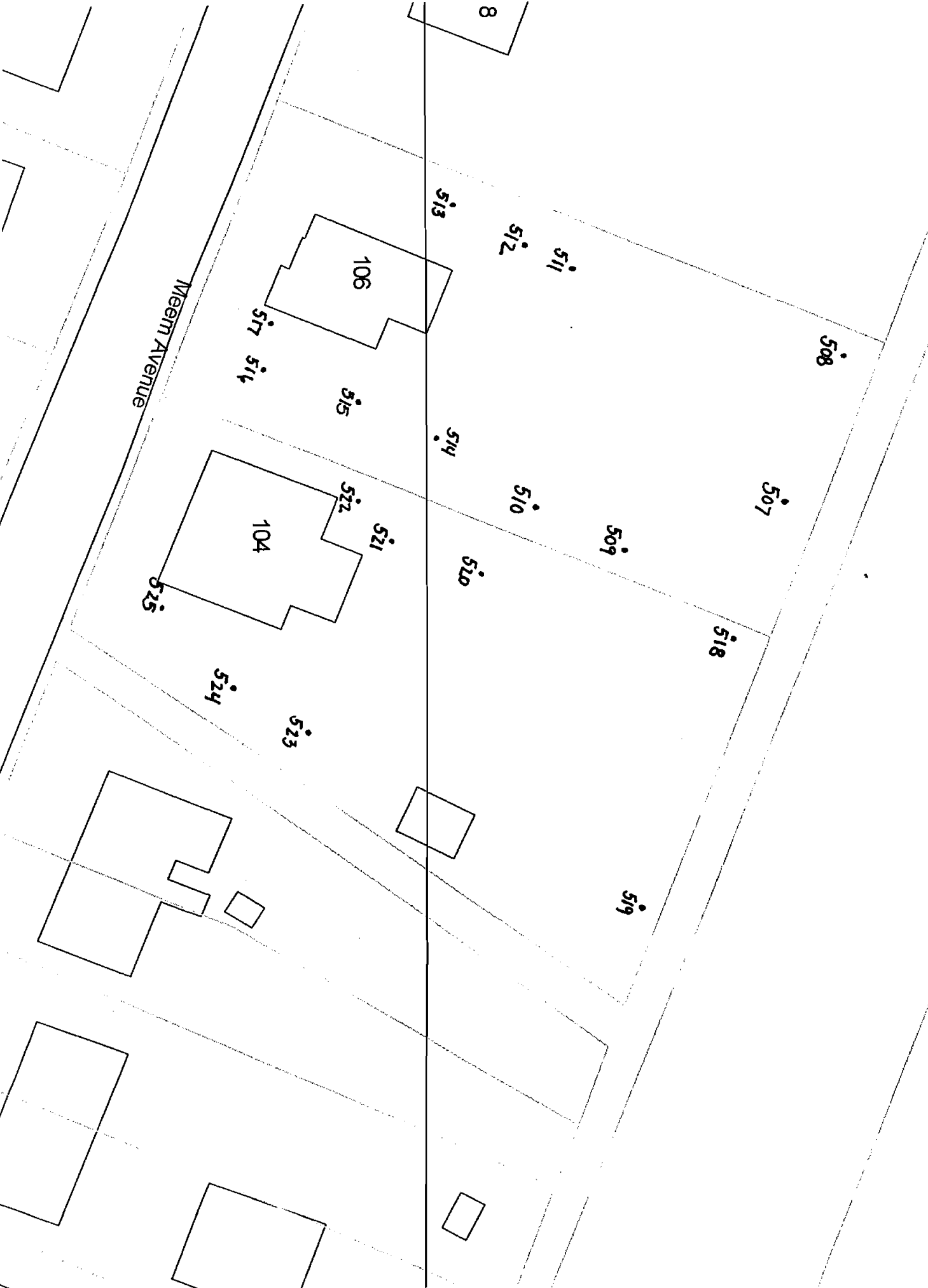
 <p>STATE OF MARYLAND DEPARTMENT OF THE GENERAL LAND OFFICE REGISTERED SURVEYOR</p> <p>DAVID W. HALLER MARYLAND R.P.C. No. 240</p>	<p>CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN ESTABLISHED BY A FIELD LOCATION.</p>		<p>REFERENCES</p> <p>PLAT BK 2</p> <p>PLAT NO 133</p>		<p> HALLER-BLANCHARD & ASSOCIATES</p> <p>P.O. BOX 1774 FREDERICK, MARYLAND 21702 (301)228-2288 FAX: (301)228-2248</p>	
	<p>LIBER</p>		<p>DATE OF PLANS</p>		<p>SCALE: 1" = 30'</p>	
	<p>FOLIO</p>		<p>WALL CHECK:</p>		<p>DRAWN FOR: B.B.</p>	
	<p>BOUNDARY:</p>		<p>HSE. LOC: 10-19-05</p>		<p>JO: [Redacted]</p>	
<p>THIS LOCATION FOR MORTGAGE PURPOSES FOR <u>Dolan</u></p>						

Tree Inventory for Chestnut/Meem Historic District



104 and 106 Meem Avenue

HPAC 5/4/06
HAWK 98
#4



June 1999

City of Gaithersburg Historic District Tree Inventory

Prepared by
the Care of Trees, Inc.

INV#	Location	Street	MHO	PB	APS	No.	of total	Species	dbh	cond	PR	RM	CB	HE	IPM	Wires	SW	Comments
501	Rear left side	"				5	10	Black cherry	12	2								
502	Rear right side	"				6	10	Black locust	13	1								vines!
503	Rear left side	"				7	10	Black locust clump	10/10/9	2								vines!
504	Front left corner	"				8	10	Red maple	27	3	3					X		thin, house clear
505	Front center	"				9	10	Red maple	31	3	3					X		thin, house clear
506	Front right corner	"				10	10	Red maple	26	3	3							thin, house clear
507	Rear center	106 Meems Ave.	Yes			1	11	Green ash	15	2	2							storm damage limb, deadwood
508	Rear left corner	"				2	11	Red mulberry	20	1 - D		3						
509	Rear right side	"				3	11	Eastern white pine	18	3	3							deadwood
510	Rear right side	"				4	11	Black walnut	12	3								crowded
511	Rear left side	"				5	11	Norway maple	13	2								
512	Rear left side	"				6	11	Ailanthus	10	1								basal decay
513	Rear left side	"				7	11	Red mulberry	10	1								vines
514	Rear right side	"				8	11	Norway maple	16	2								girdling roots, basal decay, leaning
515	Rear right side	"				9	11	Ailanthus	11	2								vines
516	Rear right side	"				10	11	Northern red oak	17	1								decline
517	Rear right side	"				11	11	Black cherry	14	2								vines
518	Rear left corner	104 Meems Ave.	No			1	8	Northern catalpa	38	3	3							deadwood
519	Rear right corner	"				2	8	Boxelder	15	2	3							storm damage, deadwood
520	Rear left side	"				3	8	Black cherry	14	1		3						root problems, tent caterpillars, leans
521	Rear left side	"				4	8	Red maple	51	2	2		X 1					storm damage, stubs

Key. MHO=met homeowner; PB=public tree; APS=avail planting space; PR=prune; RM=remove; CB=cable; HE=hazard eval; IPM=plant health care priority level: 1=urgent; 2=medium; 3=low
Condition Key: 5=excellent; 4=very good; 3=good; 2=fair; 1=poor D=dead/dying

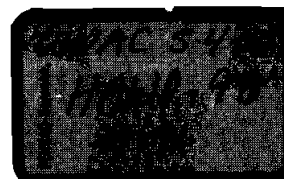
From: "HOLZ, JERRY" <smd40612@allstate.com>
To: lizdolan@access4less.net
Subject: Allstate Inspection Results
Date: Nov 14, 2005 5:05 PM
Liz,

Here are those inspection results that I promised to send over. They aren't very descriptive but I can forward you the corresponding picture for anything that isn't clear enough. Its safe to assume that to maintain coverage through any major market insurance company these improvements will be needed. Please call me with any questions. I'll also let you know when they give me a deadline, but I am fearful that it will be before the end of the calendar year.

MAJOR Chimney Other Missing bricks @ top
MAJOR Porch (front) Dry Rot Needs paint & scattered decay
MAJOR Porch (front) Other Needs paint & scattered decay
MAJOR Soffits/Facia/Eaves Needs Paint
*MAJOR Trees Over-hanging @ rear
MAJOR Windows Dry Rot 2nd floor dormer
MAJOR Windows Needs Paint 2nd floor dormer
MAJOR Yard/Porch Debris
MAJOR Yard/Porch Discarded Autos
MINOR Siding/Frame Exterior Paint Peeling

Thanks again,

*Jerry Holz, Licensed Agent
Brian McCoy & Associates
Allstate Insurance Company
1777 Reisterstown Road, Suite 265
Baltimore, MD 21208
410-486-4949
800-803-2529*





April 21, 2006

Ashby Tanner, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ashby:

Please publish the following legal advertisement in the **April 26, 2006**, issue of the *Gaithersburg Gazette*.

Sincerely,

Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

ASSIGN CODE: HAWP-98
(Retroactive)

NOTICE OF PUBLIC HEARING

The Historic Preservation Advisory Committee of the City of Gaithersburg will conduct a public hearing on HAWP-98 (Retroactive), filed by Elizabeth Dolan, on

**THURSDAY
MAY 4, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests a certificate of approval from the City's Historic District Commission for the removal of four trees at 106 Meem Avenue. §24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 21 of the Meem's Addition to Gaithersburg, is a contributing resource in the Chestnut/Meem Historic District.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jacqueline Marsh, Planner
Planning and Code Administration
JAM

Acct# 133649

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sesma

CITY MANAGER
David B. Humpton





Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF PUBLIC HEARING

The City of Gaithersburg Historic Preservation Advisory Committee will conduct a public hearing at the time and place noted below.

Meeting: **Historic Preservation Advisory Committee**
Application Type: **Historic Area Work Permit Request**
File Number: **HAWP-98 (Retroactive)**
Location: **106 Meem Avenue**
Lot 21, of Meem's Addition to Gaithersburg
Applicant: **Elizabeth Dolan**
Development: **Chestnut/Meem Historic District**
Day/ Date/Time: **Thursday, May 4, 2006, 7:30 p.m.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL**
31 SOUTH SUMMIT AVENUE

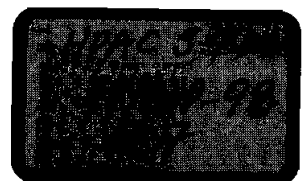
*****IMPORTANT*****

The application requests a certificate of approval from the City's Historic District Commission for the removal of four trees at **106 Meem Avenue**. Section 24-228 of the City Code (Zoning Ordinance) requires a historic area work permit for altering exterior features of a historic resource. The subject property, located on Lot 21, of Meem's Addition to Gaithersburg, is a contributing resource to the Brookes, Russell, Walker Historic District. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

CITY OF GAITHERSBURG

By: *Jacqueline Marsh*
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 24th DAY OF APRIL, 2006, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

HISTORIC PRESERVATION ADVISORY COMMITTEE

HISTORIC DISTRICT COMMISSION

CITY STAFF

David B. Humpton, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Cathy Borten, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP

